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C O N F I D E N T I A L SECTION 01 OF 02 KYIV 004478

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TAGS: [PGOV](#) [PREL](#) [UP](#)

SUBJECT: UKRAINE: STAND BY YOUR MEN: YUSHCHENKO RAISES THE
STAKES OVER FM TARASYUK, DEFMIN HRYTSENKO

REF: A. KYIV 4433

[B](#). KYIV 4435

[C](#). KYIV 4285

Classified By: Charge a.i. Sheila Gwaltney, reason 1.4 (b,d)

[1](#)1. (SBU) Summary. President Yushchenko raised the stakes in the accelerating power struggle between his circle and that of PM Yanukovych December 5 by issuing a decree reinforcing Tarasyuk's status as Foreign Minister, notwithstanding the December 1 vote by the Rada to dismiss Tarasyuk. For its part, Yanukovych's team denied Tarasyuk entry to the weekly morning cabinet meeting December 6, after PM Yanukovych, in the U.S., called Tarasyuk "irresponsible" for going to court to secure a ruling suspending the Rada decision. After being denied entry to the Cabinet, Tarasyuk pledged to go back to court to secure his full rights as Minister. Hours after members of the Regions-led coalition registered a bill to dismiss Defense Minister Hrytsenko December 5, Yushchenko stood by his other remaining Minister in public comments delivered at a stadium concert-reception to mark the 15th anniversary of the establishment of the Ukrainian Armed Forces.

[1](#)2. (C) Comment: Our sources in the MFA confirm that the Cabinet incident occurred as reported in the press and that the situation is getting increasingly ugly. Both Tymoshenko's Bloc and Our Ukraine have been increasingly open in recent days about their intent to file requests with the Constitutional Court to overturn all or part of the December 8, 2004 constitutional amendments which shifted many of the President's powers to the Cabinet and the Rada majority. Politicians and court experts have both told us that legal grounds exist to overturn the amendments, although the decision to ask for a ruling is clearly a political one with uncertain consequences. The brewing storm is likely to burst into the open once PM Yanukovych returns from the U.S. on December 7, absent another compromise between the two Viktors. End Summary and Comment.

Yushchenko: My right to say Tarasyuk remains FM

[1](#)3. (SBU) In the wake of the Rada's December 1 vote to dismiss FM Tarasyuk (ref A) and in the increasingly heated and acrimonious struggle between the President's and Premier's teams (ref B), the often indecisive Yushchenko issued a clear statement in the form of a two-line Presidential decree No. 1033/2006 December 5: "In accordance with Article 106, section one, point 3 of the Constitution of Ukraine, I order Minister of Foreign Affairs Borys Ivanovych Tarasyuk to continue to perform his professional duties." (note: Article 106.3 reads: The President represents the State in international relations, administers the foreign policy activity of the State, conducts negotiations, and concludes international treaties of Ukraine.")

¶4. (C) Earlier December 5, Tarasyuk had secured a procedural decision by the Shevchenko District Court suspending the Rada's resolution 413-V to dismiss Tarasyuk as FM. The MFA quickly circulated a diplomatic note to all embassies with the text of Yushchenko's decree and notification of the court decision (note: Tarasyuk told Ambassador after the December 1 vote that a petition to the Constitutional Court on the Rada's ability to dismiss Presidential appointees absent Presidential agreement had already been filed, ref A).

Yanukovych: Tarasyuk "Irresponsible," Cabinet lock out

¶5. (SBU) PM Yanukovych, for his part, reacted while in the U.S. to press inquiries by calling Tarasyuk's legal gambit appealing the Rada resolution "irresponsible." (note: Regions' faction leader Bohatyreva openly acknowledged to the Rada press contingent November 15 that the President could tie up efforts to remove Tarasyuk and Hrytsenko in the courts "for months" - ref C).

¶6. (SBU) Raising the stakes December 6, Minister of the Cabinet of Ministers Anatoliy Tolstoukkov met Tarasyuk at the door to the CabMin meeting room and denied him entry, telling Tarasyuk he was not on the list of authorized attendees, before escorting him to the building's entrance. Tarasyuk later told reporters that he had shown the Shevchenko District Court ruling, would file a court complaint to defend his Ministerial rights, and vowed that no one else from the MFA would attend cabinet meetings in his stead.

Extending the battle to Hrytsenko

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¶7. (C) MPs from the three parties in the Regions-led coalition formally filed a draft dismissal bill against Defense Minister Hrytsenko December 5, setting in motion a likely vote in the coming days. PM Yanukovych told several EU country Ambassadors over lunch November 28, three days before the Rada voted to dismiss Tarasyuk and Interior Minister Lutsenko, that Hrytsenko would be next to go, after his return from the United States, according to German DCM Johannes Regenbrecht.

¶8. (SBU) At an evening concert-reception marking the 15th anniversary of the founding of the Ukrainian armed forces, Yushchenko reaffirmed support for Hrytsenko personally, Hrytsenko's military reform program, and for Ukraine's Euro-Atlantic aspirations. Yushchenko called on the Rada to stop playing political games with Hrytsenko's status and the military and instead focus on securing calm conditions in support of military reform.

¶9. (U) Visit Embassy Kyiv's classified website:
www.state.gov/p/eur/kiev.
Gwaltney